

problems by virtue of the alpha methyl substitution. The side chains attached to the claimed pyrimidine compound are the same as those in the pyridine compound discussed in the Declaration, and the binding affinity of the pyrimidine has been shown. Binding affinity and bioavailability are separate issues. The alpha methyl substitution addresses the issue of bioavailability, by inhibiting deamination by monoamine oxidases. As such, the claimed compound has acceptable binding affinity and improved bioavailability relative to the prior art compounds, and represents a non-obvious improvement over the prior art compounds. Accordingly, the obviousness rejections should be withdrawn.

Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claim 12 has been rejected under the judicially created doctrine of obviousness-type double patenting as obvious in view of claims 1-19 of co-pending U.S.S.N. 08/631,761. Applicants will submit a terminal disclaimer, as appropriate, upon indication of allowable subject matter.

CONCLUSION

Applicants respectfully urge that the instant application is in a condition for allowance and request a prompt and favorable notice thereof. If the Examiner believes that any issues remain unresolved, Applicants respectfully request that the Examiner contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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